

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR SYNCHRONIZING APPLICATIONS FOR DATA RECOVERY USING STORAGE BASED JOURNALING** the specification of which   X   is attached hereto or        was filed on            as Application No.            and was amended on            (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under<br>35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
|         |                 |                |                                      |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date |
|-----------------|-------------|
|                 |             |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|--------|
|                 |                |        |


**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

George Yee, Reg. No. 37,478  
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|--------------------------|--|---|---|------------------------------|
| Full Name of Inventor 1: | Last Name:<br><b>YAMAGAMI</b>                  | First Name:<br><b>KENJI</b>                 | Middle Name or Initial:                 |                              |
| Residence & Citizenship: | City:<br><b>Los Gatos</b>                      | State/Foreign Country:<br><b>California</b> | Country of Citizenship:<br><b>Japan</b> |                              |
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| Signature of Inventor 1<br><br>Kenji Yamagami<br>Date: <b>7-24-03</b> |
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